

REMARKS

Claims 1-25 are pending in the application. By this amendment new claims 26-45 have been added to the application.

Applicant seeks to have an interference declared between the present application and U.S. Patent No. 6,507,028 issued January 14, 2003 to Sarchese et al. (herein referred to as "the '028 patent") and assigned to Trojan Technologies, Incorporated.

New claims 26-44 are directed to the same patentable invention as claims 1-19 of the '028 patent. New claim 26 is copied from, and corresponds substantially to claim 1 of the '028 patent. New claims 27-44 are copied from, and correspond exactly to claims 2-19 of the '028 patent. New claim 45 is copied from, and corresponds substantially to claim 21 of the '028 patent.

Pursuant to 37 CFR § 1.607(a) Applicant submits the following proposed count:

Count 1

A radiation source module comprising:

a frame having a first support member;

at least one radiation source assembly extending from and in engagement with the first support member;

a radiation source disposed in the radiation source assembly;

connection means for affixing the radiation source module in a fluid treatment system; and

a power supply connected to the frame and configured to be in contact with a fluid.

Claims 1-21 of the '028 patent correspond to the proposed count. Claims 1-6, 8-13 and 26-45 of the present application correspond to the proposed count.

In accordance with 37 CFR § 1.607(a)(5), Applicant has applied the terms of new claims 26-45 to the disclosure of the application as set forth in Appendix A attached hereto.

All of the claims presented herein are filed within one year after the issue date of the '028 patent.

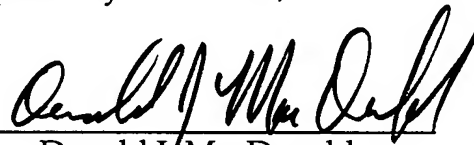
The effective filing date of the present application is June 4, 1999 which is prior to the effective filing date of the '028 patent. Accordingly, applicant submits that new claims 26-45 are patentable to the applicant over the '028 patent and that an interference should be declared on the proposed count.

Should the Examiner have any questions regarding the present application, Applicants respectfully request that the Examiner contact Applicants' representative at the phone number listed below.

Applicant has enclosed a check in the amount of \$266 to cover the cost of two independent claims in excess of three and twenty additional claims. Applicant believes that no additional fees are due with filing this amendment, please charge any deficiencies in fees associated with this filing to our Deposit Account No: 13-0235.

Respectfully submitted,

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APPENDIX A

Application of the terms of the claims of U.S. Patent No. 6,507,028 to the present application Serial No. 10/009,676 of H. Kozlowski.

Claim terms of U.S. Pat. No. 6,507,028	Corresponding element in Application
Claim 1. A radiation source module comprising: a frame having a first support member; at least one radiation source assembly extending from and in engagement with the first support member; a radiation source disposed in the radiation source assembly; connection means for affixing the radiation source module in a fluid treatment system; and a power supply connected to the frame and configured to be in contact with a fluid, said power supply being connected to said first support member on a side of said first support member which is opposite a side on which said radiation source assembly is connected.	"a radiation source assembly for use with a fluid, comprising:" (p. 2, ll. 19-20) "a submersible frame member having a portion adapted to be immersed in the fluid when the assembly is in use and having a plurality of supports" (p. 5, ll. 28-29). See also FIGS. 1-6. "lamp rack 10 which has vertical conduit 11, a vertical support member 12 and a bar 13." (p. 9, ll. 21-22). "each support providing support for at least one of a) a radiation source, b) a radiation-transparent sleeve for the radiation source and b) an excitation controlling means; and electrical conducting means for providing electrical energy to the excitation controlling means." (p. 5, l. 29 - p. 6, l. 2) See also FIGS. 1-6. "a submersible frame member having a portion adapted to be immersed in the fluid when the assembly is in use" (p. 5, ll. 28-29). See also FIG. 1. "The present invention also provides an ultraviolet lamp assembly for submersion in a liquid, comprising a rack with a submersible conduit" (p. 7, ll. 19-20). "at least one excitation controlling means for controlling excitation of gas within the radiation source, said excitation controlling means being adapted to be immersed in said fluid when the assembly is in use;" (p. 2, ll. 23-25). See also FIGS. 1-6). "In another embodiment, the ballast is supported by the first elongate frame member." (p. 4, ll. 9-10). "Alternatively, the ballast may be physically separated from the lamp..." (p.12, ll. 29-30). "It will be understood that other arrangements for securing the balat and

	lamps in place are possible without departing from the essence of the invention." (p. 10, ll. 23-24).
Claim 2. The radiation source module defined by claim 1, wherein the fluid comprises the fluid being treated.	See FIG. 1; "a radiation source assembly for use with a fluid, comprising:" (p. 2, ll. 19-20) "at least one excitation controlling means for controlling excitation of gas within the radiation source, said excitation controlling means being adapted to be immersed in said fluid when the assembly is in use;" (p. 2, ll. 23-25). See also FIGS. 1-6. "The present invention is useful for the treatment of water, e.g. for waste water disinfection, drinking water disinfection, advanced oxidation treatment and other water treatment processes. The rack with attached ballasts and ultraviolet lamps preferably is immersed in the water so that a stream of water flows over the ultraviolet lamps. ... One of the advantages of this aspect of the invention is that the water that is treated can be used to cool the ballasts." (p. 13, ll. 6-13).
Claim 3. The radiation source module defined in claim 1, wherein the fluid comprises a cooling liquid.	"The present invention is useful for the treatment of water, e.g. for waste water disinfection, drinking water disinfection, advanced oxidation treatment and other water treatment processes. The rack with attached ballasts and ultraviolet lamps preferably is immersed in the water so that a stream of water flows over the ultraviolet lamps. ... One of the advantages of this aspect of the invention is that the water that is treated can be used to cool the ballasts." (p. 13, ll. 6-13). See also FIGS. 1 and 2.
Claim 4. The radiation source module defined in claim 3, further comprising a container for the cooling liquid.	"Ballast 16 has internal components 22 encased in sleeve 21." (p. 9, ll. 27-28). See also FIG. 2.
Claim 5. The radiation source module defined in claim 4, wherein the container is remote from the module.	"Alternatively, the ballast may be physically separated from the lamp..." (p. 12, ll. 29-30).

Claim 6. The radiation source module defined in claim 4, wherein the container is attached to the module.	See FIG. 2; "In another embodiment, the ballast is supported by the first elongate frame member." (p. 4, ll. 9-10).
Claim 7. The radiation source module defined in claim 6, wherein a portion of the container comprising the cooling liquid is submersible in the fluid being treated.	See FIG. 1; "The ultraviolet lamps 14 and ballasts 16 are submerged in liquid 66, e.g. waste water." (p. 9, ll. 27-28). "at least one excitation controlling means for controlling excitation of gas within the radiation source, said excitation controlling means being adapted to be immersed in said liquid when the assembly is in use;" (p. 3, ll. 13-15).
Claim 8. The radiation source module defined in claim 1, wherein the power supply is configured to be fully submersible in a fluid being treated.	See FIG. 1; "The ultraviolet lamps 14 and ballasts 16 are submerged in liquid 66, e.g. waste water." (p. 9, ll. 27-28). "at least one excitation controlling means for controlling excitation of gas within the radiation source, said excitation controlling means being adapted to be immersed in said liquid when the assembly is in use;" (p. 3, ll. 13-15).
Claim 9. The radiation source module defined in claim 1, wherein at least one radiation source assembly is cantilevered from the first support member.	See FIG. 5; "an assembly in which the excitation control means is a ballast, said ballast having a second end opposed to a first end, and said ballast having an outer sleeve which encloses components of the ballast, said ballast and support having connection means for mechanically connecting the first end of the ballast to the support; the radiation source is an elongate ultraviolet lamp having first and second opposed ends, said lamp and ballast having connection means for mechanically and electrically connecting the first end of the lamp to the second end of the ballast;" (p. 6, ll. 5-12).
Claim 10. The radiation source module defined in claim 1, wherein the power supply is interposed between the support member and the radiation source.	See FIGS. 1 and 5; "an assembly in which the excitation control means is a ballast, said ballast having a second end opposed to a first end, and said ballast having an outer

	sleeve which encloses components of the ballast, said ballast and support having connection means for mechanically connecting the first end of the ballast to the support; the radiation source is an elongate ultraviolet lamp having first and second opposed ends, said lamp and ballast having connection means for mechanically and electrically connecting the first end of the lamp to the second end of the ballast;" (p. 6, ll. 5-12).
Claim 11. The radiation source module defined in claim 1, wherein an individual power supply is provided for each radiation source in the module.	See FIGS. 1, 2 and 5; "In a further embodiment, the assembly has a plurality of excitation control means, each with a radiation source associated therewith." (p. 4, ll. 18-19).
Claim 12. The radiation source module defined in claim 1, wherein an individual power supply is provided for each pair of radiation sources in the radiation source assembly.	"In yet another embodiment, the assembly has a plurality of radiation sources connected to each excitation controlling means." (p. 4, ll. 20-21).
Claim 13. The radiation source module defined in claim 1, wherein an individual power supply is provided for a plurality of radiation sources in the radiation source assembly.	"In yet another embodiment, the assembly has a plurality of radiation sources connected to each excitation controlling means." (p. 4, ll. 20-21).
Claim 14. The radiation source module defined in claim 1, wherein the power supply is connected to the connection means and a portion of the power supply is configured to be immersed in a fluid.	See FIGS. 1 and 2; "at least one excitation control means for controlling excitation of gas within the radiation source, said excitation controlling means being adapted to be immersed in said fluid when the assembly is in use; a first elongate frame member having a portion adapted to be immersed in the fluid when the assembly is in use, the frame being connected to at least one of a) the radiation source and b) the excitation control means;" (p. 2, ll. 23-28).
Claim 15. The radiation source module defined in claim 1, wherein the frame comprises a second support member and the radiation source assembly is supported at its opposed ends by the	See FIGS. 1, 5 and 6; "In another embodiment, the assembly has a second elongate frame member, and when each ballast is supported by the first elongate frame member, the

first support member and the second support member.	second end of each associated lamp is supported by said second elongate frame member." (p. 4, ll. 27-29).
Claim 16. The radiation source module defined in claim 15, the frame comprises a third support member interconnecting the first support member and the second support member.	See FIG. 1; "Referring to Figure 1, there is an ultraviolet lamp rack 10 which has a vertical conduit 11, a vertical support member 12 and a bar 13." (p. 9, ll. 21-22).
Claim 17. The radiation source module defined in claim 1, wherein the power supply is disposed within a portion of the frame.	See FIGS. 2 and 5.
Claim 18. The radiation source module defined in claim 1, wherein the power supply is connected to an exterior of the frame.	See FIGS. 1, 2 and 6; "In another embodiment, the ballast is supported by the first elongate frame member." (p. 4, ll. 9-10).
Claim 19. A fluid treatment system comprising a radiation source module defined in claim 1.	See FIG. 1; "The present invention is useful for the treatment of water, e.g. for waste water disinfection, drinking water disinfection, advanced oxidation treatment and other water treatment processes. The rack with attached ballasts and ultraviolet lamps preferably is immersed in the water so that a stream of water flows over the ultraviolet lamps. ... One of the advantages of this aspect of the invention is that the water that is treated can be used to cool the ballasts." (p. 13, ll. 6-13).
Claim 21. A radiation source module comprising: a frame having a first support member; at least one radiation source assembly extending from and in engagement with the first support	"a radiation source assembly for use with a fluid, comprising:" (p. 2, ll. 19-20) "a submersible frame member having a portion adapted to be immersed in the fluid when the assembly is in use and having a plurality of supports" (p. 5, ll. 28-29). See also FIGS. 1-6. "lamp rack 10 which has vertical conduit 11, a vertical support member 12 and a bar 13." (p. 9, ll. 21-22). "each support providing support for at least one of a) a radiation source, b) a radiation-transparent sleeve for the

<p>member; a radiation source disposed in the radiation source assembly;</p> <p>connection means for affixing the radiation source module in a fluid treatment system; and</p> <p>a power supply connected to the frame and configured to be in contact with a fluid, wherein the power supply is connected to the connection means and a portion of the power supply is configured to contact a dielectric cooling liquid.</p>	<p>radiation source and b) an excitation controlling means; and electrical conducting means for providing electrical energy to the excitation controlling means." (p. 5, l. 29 - p. 6, l. 2) See also FIGS. 1-6.</p> <p>"a submersible frame member having a portion adapted to be immersed in the fluid when the assembly is in use" (p. 5, ll. 28-29). See also FIG. 1. "The present invention also provides an ultraviolet lamp assembly for submersion in a liquid, comprising a rack with a submersible conduit" (p. 7, ll. 19-20).</p> <p>"at least one excitation controlling means for controlling excitation of gas within the radiation source, said excitation controlling means being adapted to be immersed in said fluid when the assembly is in use;" (p. 2, ll. 23-25). See also FIGS. 1-6).</p> <p>"In another embodiment, the ballast is supported by the first elongate frame member." (p. 4, ll. 9-10).</p> <p>"Alternatively, the ballast may be physically separated from the lamp..." (p.12, ll. 29-30).</p> <p>"It will be understood that other arrangements for securing the balat and lamps in place are possible without departing from the essence of the invention." (p. 10, ll. 23-24).</p> <p>"Ballast 16 has internal components 22 encased in sleeve 21." (p. 9, ll. 27-28). See also FIG. 2.</p>
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